

From: Stephen Moehle
To: Microsoft ATR
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Subject: Microsoft Settlement

I am opposed to the proposed Microsoft settlement. I believe that it does not do enough to penalize Microsoft for past anticompetitive behavior, nor does it do enough to prevent Microsoft from engaging in such behavior in the future.

In particular the definitions of the terms "API" and "middleware" are much too narrowly defined and would allow Microsoft to withhold a great deal of information necessary for a competitor to fully use the APIs and integrate with Windows.

Further, many Microsoft APIs may be covered by software patents. All APIs must be licensed free of charge to all developers but in particular to open-source developers, and any relevant patents must be licensed royalty-free.

Also, the proposed settlement does nothing to prevent Microsoft from retaliating against OEMs that sell computers with non-Microsoft OSes installed, most notably Linux. OEMs must be free to sell computers with any operating system they wish and still be able to purchase the Microsoft OSes at the same prices as any other OEM.

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